

November 19, 2009

Mr. Tom Vilsack, Secretary of Agriculture  
U. S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Secretary Vilsack:

I write on behalf of the many people, farms and businesses of the North Bay who are concerned with or affected by the eradication program for the Light Brown Apple Moth (LBAM). As you know, the LBAM is an invasive leaf-roller which has been designated by the United States Department of Agriculture (USDA) as an actionable pest. The LBAM is now present throughout the San Francisco Bay Area and parts of the Central Coast of California.

The original eradication program proposed by the USDA and the California Department of Food and Agriculture (CDFA) included widespread aerial spraying in urban areas of a synthetic pheromone, a proposal that ignited fierce public opposition and led to the passage of new state laws by former Assemblymember John Laird and me to redirect CDFA's planning and procedures.

While the threat of aerial spraying in urban areas has been postponed pending completion of a state environmental impact report, the controversy over the LBAM eradication in my district is very contentious. Many farmers in my district are burdened with costly and time-consuming measures to prevent a quarantine of their products. In many cases, the threat of quarantine has led vintners and growers to apply new or additional toxic pesticides. At the same time, credible independent scientists, along with many residents and community leaders in my district, have begun to question the two-part premise of the LBAM eradication program – i.e., that the LBAM is so destructive to agriculture that it warrants eradication, and that eradication is actually possible.

I was heartened in February of this year when, under your leadership, the USDA initiated a National Academy of Sciences (NAS) review of previous denials by the USDA of petitions to re-classify the LBAM as a non-actionable/non-reportable pest. A 10-member NAS panel was to review USDA's draft response to petitioners, which included an evaluation of the scientific basis of policy and regulatory decisions made by the USDA's Animal and Plant Health Inspection Service (APHIS) regarding the LBAM and the quality of the evidence used by the agency in reaching the decisions.

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The NAS panel's conclusions cast even more doubt on the credibility of the LBAM eradication program. Specifically, the panel found that in rejecting the reclassification petitions APHIS did not "fully consider and address the specific arguments (raised by petitioners) and did not conduct a thorough and balanced analysis" supporting its conclusions. The panel noted that APHIS should have included "a more detailed economic analysis and a more complete response to the argument against eradication." The panel found that APHIS should revise its response to the petitions to include the use of "more robust science to support its position" and to more clearly articulate the justification for its actions. Finally, the panel recommended that APHIS publish LBAM regulations for comment in the Federal Register.

My understanding is that the USDA APHIS has agreed to follow the committee's recommendations in terms of revising its response and posting regulations for comment. That is good news, if the USDA APHIS honors the spirit as well as the letter of the NAS recommendations – i.e., if they not only write a more complete response that documents the science, but also let the science itself answer the questions. If—and only if—sound science supports the classification of the LBAM as an actionable pest, all strategies available to address the LBAM should be scientifically analyzed with an emphasis on non-toxic, least-disruptive strategies to achieve the program's goal.

However, if the current classification of the LBAM or the feasibility of its eradication lack scientific support, then it is essential that USDA immediately de-classify the LBAM as an actionable pest and terminate the eradication program. To continue implementing a program that lacks a solid scientific foundation and cannot achieve its stated goal would be a very costly charade. As the USDA undertakes a meaningful scientific review of these issues, I trust that you will ensure the USDA remains open to the possibility that good science may dictate a change of course; that eradication may not be the best option for the LBAM, and indeed, it may not even be realistic.

Thank you for your consideration and continued leadership on this important matter.

Very truly yours,

**JARED HUFFMAN**  
Assemblymember, 6<sup>th</sup> District